

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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JUAN EDDY SARMIENTO PEREZ,

Plaintiff,

-against-

COMHAR GROUP LLC, et al.,

Defendants.  
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**MEMORANDUM AND ORDER**

Case No. 19-CV-964 (FB) (JO)

**BLOCK, Senior District Judge:**

Magistrate Judge Orenstein issued a Report and Recommendation (“R&R”) recommending that a default judgment be entered against the defendants in the amount of \$41,594.87, consisting of \$13,699.06 in unpaid wages, the same amount in liquidated damages, \$5,000 for each of the two records-related violations, \$2,048.01 in prejudgment interest, \$1,471.25 in attorneys’ fees, and \$677.50 in costs. The Court entered an order setting March 20, 2020, as the deadline for objections. The R&R warned that “[f]ailure to file objections within the this period designating the particular issues to be reviewed waives the right to appeal.” R&R at 16. The R&R was served on the defendants. No objections have been filed.

Where clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without de novo review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*,

313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure timely to object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”). The Court will, however, excuse the failure to object and conduct de novo review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

No error, plain or otherwise, appears on the face of the R&R, so the Court adopts it without de novo review. Accordingly, the Clerk shall enter judgment in favor of the plaintiff and against the defendants, jointly and severally, in the amount of \$41,594.87.

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

Brooklyn, New York  
March 23, 2020